S.B.CIVIL TRANSFER PETITION NO.39/2005

Mool Dan
vs.
Arjun Singh and another.

DATE OF ORDER ::: 8.12.2005

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. SP Sharma, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is seeking transfer of the election petition which is pending in the Court of Additional Civil Judge (SD), Barmer to the Court at Jodhpur on the allegations that the non-petitioner no.1 is an influential person and because of his influence, no advocate is prepared to accept the brief of the petitioner. In support of this contention, the petitioner placed on record copy of application which he submitted before the Court at Barmer.

From a perusal of the said application, it is clear that the petitioner has leveled bald allegations against one of his Advocate and nothing more. After making allegation against one advocate, he stated that there is Bar Association of Advocates at Barmer and he contacted other advocates also but without naming any advocate, the

petitioner stated that because of this union (Association of Advocates), he believes that no advocate will give assistance to him. The allegation as leveled in application Annex.5 do not constitute any reason for transfer of the election petition.

Otherwise also, there appears to be no reason for transferring the election petition from a place where the proper court is situated.

In view of the above, I do not find any merit in this transfer petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya